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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/813,386

03/20/2001

Christopher Richard Uhlik

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45222

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01/12/2006

ARRAYCOMM/BLAKELY
12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,386

Applicant(s)

UHLIK ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-25**, are rejected under 35 U.S.C. 102(e) as being anticipated by Petrus et al. (US Publication 2003/0169722 A1).

Regarding **Claims 1, 13, 22**, Petrus teaches a method comprising: a communication device establishing a wireless communication session with a remote user terminal, the wireless communication session having associated therewith a first session time limit the communication device detecting a session renewal and the communication device altering the first session time limit in response to detecting the session renewal (pages 3-4 sections 0037, 0039).

Regarding **Claims 2-3**, Petrus teaches a method wherein the communication device detecting a session renewal further comprises device receiving session renewal is

caused by a priority status associated with the remote user terminal (page 7 section 0079).

Regarding **Claims 4, 11, 25**, Petrus teaches a method wherein the session renewal is caused by the communication device detecting active data exchange between the remote user terminal and the, communication device prior to the lapse of the session time limit (page 4 section 0039).

Regarding **Claims 5, 12**, Petrus teaches a method wherein the communication device altering the session time limit comprising the communication device extending the session time limit by a time limit is equal in duration to the original of the session time limit (page 12 section 0140).

Regarding **Claims 6-7, 14**, Petrus teaches a method wherein communication device altering the session time limit comprises the communication device extending the session renewal is received by the communication device from the remote user (page 12 section 0140).

Regarding **Claims 8, 16**, Petrus teaches a method comprising: a communication device providing a session to a remote user terminal, the session having associated therewith a first session time limit the communication device determining whether a session renewal has been generated; and upon lapse of the first session time limit, the

communication device determining whether a session renewal has been generated; and if having determined that a session renewal has been generated, renewing the session for a second session time limit, and if having determined that a session renewal has not been generated, terminating the session (page 8 section 0111 page 12 section 0140).

Regarding **Claims 9-10**, Petrus teaches a method wherein the communication device determining whether a session renewal has been generated further comprises the communication device receiving an indication of the priority status from the remote user terminal (page 6 section 0079).

Regarding **Claims 15, 17, 23**, Petrus teaches an apparatus wherein the session management means is coupled to the timing mechanism, and wherein the session management means 25a altering the time in response to the predetermined condition comprises the session management means indicating to the timing mechanism to delay or extend the time limit in response to the predetermined condition (page 8 section 0111).

Regarding **Claim 18, 25**, Petrus teaches a method wherein the session management means altering the time limit in response to the predetermined condition further includes the session management means detecting at least one channel utilized by the external entity for the data exchange (page 12 section 0140).

Regarding **Claim 24**, Petrus teaches an apparatus wherein the time limit is determined based at least in part on a quality of service (checking the error) parameter of the external entity (page 12 section 0140).

Regarding **Claim 19**, Petrus teaches an apparatus wherein the session management means for altering the time limit in response to the predetermined condition (page 4 section 0039).

Regarding **Claims 20-21**, Petrus teaches an apparatus wherein network congestion is characterized at least in part by a number of session open channels that are active (page 4 section 0039, page 12 section 0140).

Response to Arguments

3. Applicant's arguments filed 9/20/05 have been fully considered but they are not persuasive.

In response to the applicant's argument that "the wireless communication session having associated therewith a first session time limit the communication device detecting a session renewal and the communication device altering the first session time limit in response to detecting the session renewal".

The Examiner asserts that Petrus teaches periodically, the user terminal scans the BCH to update its RSSI and BSCC map. **When it detects a better base station, it may send a CR to this new base station and possibly handover its network**

session (detecting a session renewal and the communication device). If successful stream initiation fails too many times, the user terminal enters a timeout state. **From timeout, it may try to regain a RID via RA-rreq, refresh its timing advance** (altering the first session time limit in response to detecting the session renewal) using a CR, find a new base station to which it might handover by scanning the BCH, or **even begin from scratch to re-acquire basic frame timing**. If this re-establishment is successful, the user terminal may be able to continue its network session by completing a network session handover to the new base station.

In response Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

The applicant's responded merely stated whole claim limitations. The applicant's respond fails to clearly show which limitations in the claim are not disclosed by the references (the applicant's stating arguments only on the invention but not specific limitations of claims that references was not taught); therefore, examiner directly repeats the application to the rejection above regarding claims are rejected. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2686

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

December 29, 2005

Marsha D. Bank-Harold
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